REMARKS

Claims 1 – 36 and 39 – 42 were pending when last examined. All claims were rejected. Claims 1 – 36 and 39 – 42 remain pending. Reconsideration is respectfully requested.

Drawings

In section 2 of the Office Action, the Examiner objected to the drawings for not including reference signs. As such, the specification is being amended to add the reference signs.

Claim Rejections – 35 U.S.C. §102

In section 3 of the Office Action, the Examiner rejected claims 1 – 4, 7 – 11, 16, 31 – 33, 35 – 36, and 39 – 42 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,465,401 to Thompson. Applicant traverses.

Claim 1 is patentable over Vilppula et al, by at least reciting:

> A modular wireless device comprising:
> a shell that contains non-wireless components, at least one of which is system software;
> a cartridge that contains wireless components, at least one of which comes from the set of baseband and RF hardware;
> an interface that enables communication between the shell and cartridge;
> a means for the shell ~~and cartridge to exchange~~ to receive configuration information over the interface or for the cartridge to receive configuration information over the interface; ~~and~~
> a mechanism that enables the shell to automatically respond to configuration information received over the interface or the cartridge to automatically respond to configuration information received over the interface; and
> a means for the modular wireless device to configure its operation based on said configuration information.

The Examiner cites Thompson Fig 7 as anticipating claim 1. Fig 7 contains a data bus, which can be considered a means for exchanging information between the cartridge and shell. However, Fig 7 does not include a mechanism for automatically responding to the receipt of control information sent between the cartridge and shell. Such an automatic response is valuable to validate information receipt, reject control requests,

confirm configuration changes, etc. None of the components in Fig 7, including the bus, anticipate this mechanism - the mechanism must be expressly stated in the figure to anticipate because it is not included in such a device. Therefore, Thompson does not anticipate claim 1 and claim 1 is patentable over Thompson. Further, all dependent claims are therefore patentable at least by virtue of their dependency.

With respect to Claim 4, Thompson column 4 lines 13-16 states- "The overall system may be quickly upgraded and modified by changing the separate application modules without requiring modification or change to the basic personal communication device". "Overall system" is the same as "modular wireless device" in Claim 4. "Basic personal communication device" is the same as "shell" in Claim 4.

Therefore, Thompson expressly states that the shell is not modified when a cartridge is inserted into the shell. The amended claim 4 explicitly states the "modify" phrase to clarify that the shell *is* being modified, which is different than Thompson. As such, claim 4 is patentable over Thompson.

With respect to Claim 7, Thompson column 10 lines 23-25 states- "Resident memory contains the resident applications and core software programs which are associated with communication devices". However, Thompson does not expressly state that resident applications actively communicate to the system software a need for communication services. We are amending claim 7 to include this mechanism, which is not anticipated in Thompson. Thompson, column 3 lines 18-60, explains that application modules provide many services to the communication device. However, Thompson does not state that the modules actively send information to the device to tell the device about the availability of these services. Amended claim 7 includes the limitation that the cartridge (application module) sends this service availability to the shell (communication device), and therefore, claim 7 is patentable.

With respect to Claim 8, Thompson, column 3 lines 23-36, mentions a communication device that has different categories of applications. However, Thompson never states that a list of these categories is stored in memory ("has" does not anticipate "maintaining a list in memory"). Furthermore, Thompson states that the categories are defined according to where the applications are stored (e.g., in the module or in the device), not according to which applications the shell is able support based on the shell's

hardware characteristics. Amended claim 8 specifies a list of capabilities that is stored in memory, and that the list describes the shell's application hardware support status. Therefore, claim 8 is patentable over Thompson.

With respect to claim 9, Thompson column 4 lines 35-64 mentions a device that is able to expand functionality, but never mentions that an abstract representation of the device's functionality is stored as a list in memory and that this list is expanded as functionality is expanded. As such, claim 9 is patentable over Thompson.

With respect to claim 10, Thompson, column 4 lines 7-23, mentions a device that is able to use many application modules for different services, but Thompson does not mention that these application modules can communicate the availability of their services to the device, nor does it mention that the device uses this information to determine which services the device is able to use. Accordingly, claim 10 is patentable over Thompson.

With respect to claim 11, Thompson teaches memory storage bins in both the shell (column 3 lines 32-36) and cartridge (column 3 lines 37-45). Specifically, Thompson states that the shell memory storage bin contains "customized data and preferences for each user". Thompson column 4 lines 35-64 further teach an application module that is able to communicate voice tones to a network so the network can identify and confirm a subscriber. The Thompson application modules can also receive dialing information from the device required to dial a phone call. However "customized data and preferences for each user" is completely different from information used by a wireless network to identify the calling device or user. Identification information is not "customized", neither is it a "preference". Furthermore, Thompson never mentions the exchange of "customized data and preferences" between the cartridge and shell. Rather, Thompson only mentions exchange of dial information, which is only the phone number of the party to dial not the identity of the device or module (which includes IMSI, IMEI, and ESN numbers). In fact, in common practice this device/user identity information is stored in the module not in the device so there is no reason to transfer this information. As such, claim 11 is patentable over Thompson.

With respect to claim 31, Thompson, column 4 lines 7-64 (specifically 35-64), mentions a device that communicates PIN codes, voice signals, and telephone numbers to

the application module. Thompson states this information is used by the network to identify the user and dial a phone call. However, Thompson does not mention the transfer of data communication parameter values from the device to module (Thompson's information all pertain to voice). Thus, the claim
31 amendment adds the limitation that the transfer is for data communication parameters, and therefore, claim 31 is patentable over Thompson.

With respect to claim 36, Thompson, column 4 lines 7-64, mentions information exchanged between the device and application modules, but, as mentioned above, it does not state that this information exchanged contains data pertaining to control configuration information, nor does it state that this information exchanged is triggered on the insertion of the cartridge (in fact, Thompson implies that the user must activate information exchange by using the touch pad to dial a call). As such, claim 36 is patentable over Thompson.

With respect to claims 39 and 40, Thompson, column 3 lines 54-60, mentions a device that can change the supported frequencies by swapping application modules. Thompson does not mention a single application module that can reconfigure its hardware based on changes to the software in the cartridge. As such, claims 39 and 40 are patentable over Thompson.

Claim Rejections - 35 U.S.C. §103

In section 4 of the Office Action, the Examiner rejected claim 5. Claim 5 is patentable by virtue of its dependency to claim 1 as well for reciting additional limitations.

In section 5 of the Office Action, the Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of Zhang (US 2001/0049263).

Zhang (0051) mentions replacing system software based on serial numbers. However, serial numbers are not the same as network operator IDs. A serial number is defined to be a unique number for each product shipped (even in the same SKU), whereas may products may have the same network ID. Amended claim 6 clarifies to specifically differentiate between a network operator ID and a serial number. Accordingly, claim 6 is patentable over the cited references.

Accordingly, as all rejections and objections have been overcome, Applicant respectfully requests a Notice of Allowance be issued.

If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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